IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

WP(Crl.).No. 137 of 2007(S)

PETITIONER:

NAJEENA W/O.NAVEERKHAN, AGED 42 YEARS,
ARATHY HOUSE, T.B.JUNCTION, POOVAR P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.THOMAS ABRAHAM
SRI.K.B.ARUNKUMAR
SRI.DIPU.R
SMT.MERCIAMMA MATHEW

RESPONDENTS:
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1. DISTRICT SUPERINTENDENT OF POLICE
(TRIVANDRUM RURAL), THIRUVANANTHAPURAM.

2. CIRCLE INSPECTOR OF POLICE,
VIZHINJAM, THIRUVANANTHAPURAM.

3. SUB INSPECTOR OF POLICE,
POOVAR POLICE STATION, THIRUVANANTHAPURAM.

4. DESTHAKHIR.S., S/O.LATE IBRAHIM,
PANDAKASALA VEEDU VIRALI, UCHAKKADA P.O.,KULATHOOR
NEYYATTINKARA.

5. LATHEEFA, W/O LATE IBRAHIM,
PANDAKASALA VEEDU VIRALI,UCHAKKADA P.O.,KULATHOOR
NEYYATTINKARA.

6. ABDUL RAOUF,
S/O.MUTHUKKANNU, NEAR JUMA MASJID POOVAR.

7. M.RAOUF, S/O.SYED,
MANGLAVU HOUSE, POOOVAR.

8. ABBAZ, SHABANA MANZIL,
KALLINGAVILAKAM, POOVAR.

BY ADV. SRI.G.P.SHINOD
SRI.RAM MOHAN.G.
SRI.MANU V.
BY GOVT. PLEADER SRI. P.A. SALIM

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 14/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & K.HEMA, JJ.

W.P.(Crl.)NO.137 OF 2007

Dated this the 8th day of June,2007

O R D E R

Raman,J.

Petitioner, Najeena, wife of Naveerkhan, complains that her daughter Shabana, aged 15 years, was found missing from 28/5/2007 by around at 8.20 a.m. from the house where the petitioner and her family resides. Shabana, the alleged detenu has passed 10th standard with high marks. She was also attending the tuition class for plus two. It is alleged that she is taken in the illegal custody by the 4th respondent. Respondents 6 to 8 are stated to be the friends of the 4th respondent and the 5th respondent is his mother . It is stated that they were aware of the whereabouts of the girl and that is why they were also arrayed as parties. This Court issued notice and a direction was given to the lst respondent to trace out the girl and produce before this Court. Accordingly, the girl appeared before this Court on her own. We interacted with the alleged detenu, Shabana. She says that she is aged 16 years and she has gone on her own accord with the 4th respondent. She is now stated to be residing at Mangalapuram in the house belonging to one of the friends of the 4th respondent. She is not inclined to go with the

petitioner. Her father's sister, Shahida Nazir was also present in Court with whom the allged detenu Shabana is prepared to go and live with her at Thiruvananthapuram. We also interacted with Shahida Nazir and she says that she is prepared to take the alleged detenu along with her. It is also stated that her husband is working in Gulf countries and there is no financial strain or difficulties in maintaining the alleged detenu by her. We are told that the petitioner's husband, who is at present in Gulf countries, will reach on 11th.

2. In the facts and circumstances and in the interest of the alleged detenu, we feel that the alleged detenu should be given as an interim custody to Sahida Nazir, who is none other than the sister of the father of the alleged detenu. Petitioner has also agreed to the above suggestion. Accordingly, we direct that the alleged detenu, Shabana should be taken care of by Sahida Nazir, by way of interim custody until further orders.

3. Post the case for further consideration on 14/6/2007. Sahida Nazir shall produce the alleged detenu, Shabana, before this Court on 14/6/2007. Parties shall be present on that day.

P.R.RAMAN,
Judge.

K.HEMA,
Judge.

kcv.